

### **Listing of Claims**

This listing of claims replaces the prior version and provides a listing of claims in the application.

1. (Currently Amended) Method for the treatment of schizophrenia without increasing body mass index (BMI) in a patient population which is either overweight or has a propensity to be overweight comprising administering as the only antipsychotic agent a therapeutically effective amount of asenapine, ~~wherein the term "overweight" is defined as an individual having, or attaining while on treatment, a body mass index (BMI) in excess of about 25.~~

2. (Previously Presented) The method of claim 1 wherein the patient being treated for schizophrenia is given asenapine in lieu of another antipsychotic agent.

3. (Previously Presented) The method of Claim 1 wherein diseases associated with an overweight condition are also mitigated by administering asenapine in treating schizophrenia.

4. (Currently Amended) The method of claim 1 wherein a patient having the term overweight is defined to be a BMI of greater than about 26 is treated.

5. (Cancelled)

6. (Previously Presented) The method of Claim 1 wherein asenapine is administered to the patient by the sublingual route.

7. (Currently Amended) A formulation comprising asenapine as the only antipsychotic agent in a kit labeled for treatment of schizophrenia without increasing body mass index (BMI) in a patient population use as antipsychotic agent in the treatment of schizophrenia in a patient which is either overweight or has a propensity to be overweight, wherein the term "overweight" is defined as an individual having, or attaining while on treatment, a body mass index (BMI) in excess of about 25.

8. (Currently Amended) A method of Said Kit of Claim 7 which is employed in the treatment of schizophrenia in a patient population in need of

protection against weight gain and which patient population who experienced weight gain while being treated with another antipsychotic agent comprising employing the kit of Claim 7.

9. (Currently Amended) A method of Said Kit of Claim 7 which is employed in the treatment of schizophrenia in a patient population in need of protection wherein the patient needs to be protected against weight increase due to the presence of risk factors for a disease for which overweight is also a risk factor or due to the presence of other weight increasing factors comprising employing the kit of Claim 7.

10. (Currently Amended) The method of Claim 8 wherein use of claim 7 wherein the said patient population has a overweight condition is defined to be a BMI of greater than about 26  $\geq$  25.

11. (Currently Amended) The method kit of Claim 9 wherein said males in said patient population have overweight condition is defined to be a BMI of  $\geq$  27.8 and females in said patient population have a BMI of for men and  $\geq$  27.3 for women.

12. (Previously Presented) The kit of Claim 7 wherein said formulation is adapted to be administered to the patient sublingually.

13. (Previously Presented) The method according to claim 2 wherein asenapine is administered to the patient by the sublingual route.

14. (Previously Presented) The method according to claim 3 wherein asenapine is administered to the patient by the sublingual route.

15. (Previously Presented) The method according to claim 4 wherein asenapine is administered to the patient by the sublingual route.

16. (Cancelled).

17. (Currently Amended) The kit method of Claim 8 wherein the said formulation in said kit is adapted to be administered to the patient sublingually.

18. (Currently Amended) The kit method of Claim 9 wherein the said formulation in said kit is adapted to be administered to the patient sublingually.

19. (Currently Amended) The kit method of Claim 10 wherein the said formulation in said kit is adapted to be administered to the patient sublingually.

20. (Currently Amended) The kit method of Claim 11 wherein the said formulation in said kit is adapted to be administered to the patient sublingually.